

REDACTED COPY UNITED STATES DISTRICT COURT **FILED**
for the
Western District of Texas

SEP 01 2020

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY DEPUTY

United States of America

v.

Christian S. Ochoa

Defendant

Case No. DR-20-MJ-1493 (01)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant shall appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____

Place

on _____

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is **FURTHER ORDERED** that the release of the defendant is subject to the conditions marked below:

(X) (6) The defendant is placed in the custody of: Jose Raul Botello Gonzalez (cousin)

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed:

Jose R Botello
(Custodian or Proxy)

Signed: _____

(Custodian or Proxy)

(X) (7) The defendant shall:

(X) (a) Maintain or actively seek employment.

() (b) maintain or commence and educational program.

(X) (c) Abide by the following restrictions on his personal associations, place of adobe, or travel:

Reside at _____ and not move unless given permission by Pretrial Services.

No travel to the Republic of Mexico or any other foreign country. No travel outside the Western District of Texas/Southern District of Texas without first obtaining permission from Pretrial Services.

(X) (d) Avoid all contact with person(s), who are considered either alleged victims or potential witnesses.

(X) (e) Report on a regular basis to the following agency: Report to U.S. Pretrial Services as directed.

() (f) Comply with the following curfew:

(X) (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.

() (h) Refrain from the use of any unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.

() (i) Refrain from the use of any alcohol

(X) (j) Refrain from the excessive use of alcohol.

(X) (k) notify U.S. Pretrial Services of any contact with law enforcement officials.

() (l) At the discretion of U.S. Pretrial Services: Submit to substance abuse treatment as directed by U.S. Pretrial Services. Defendant to pay cost as directed by U.S. Pretrial Services.

() (m) Submit to urinalysis testing or any other method of testing as directed by U.S. Pretrial Services for determining whether the defendant is using prohibitive substances and shall not tamper with any test.

() (n) surrender passport to U.S. Pretrial Services; and/or obtain no new passport.

() (o) At the discretion of U.S. Pretrial Services: Submit to a mental health evaluation and/or mental health treatment as directed by U.S. Pretrial Services.

() (p) Submit to UA testing by U.S. Pretrial Services prior to release from custody

() (q) _____

() (r) _____

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or office of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Acknowledgement of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant Christian S. Ochoa

Address

Telephone

Directions to United States Marshal

- (X) The defendant is **ORDERED** released after processing.
- () The United States Marshal is **ORDERED** to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 09/01/2020



Victor R. Garcia
United States Magistrate Judge